

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BEFORE THE
STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket # 04-AP-5

**The proposed annexation of territory
in Elba Township to the City of Lapeer,
Lapeer County.**

**SUMMARY OF PROCEEDINGS,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SUMMARY OF PROCEEDINGS

1. On November 23, 2004, a petition designated as Docket #04-AP-5 was filed with the State Boundary Commission requesting the annexation of certain territory in Elba Township to the City of Lapeer, Lapeer County.
2. On January 20, 2005, the State Boundary Commission examined the petition for legal sufficiency at an adjudicative meeting held in Lansing. The Commission declared the petition to be legally insufficient.
3. On March 17, 2005, the State Boundary Commission adopted this Summary of Proceedings, Findings of Fact and Conclusions of Law at an adjudicative meeting held in Okemos.

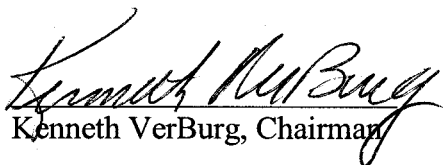
FINDINGS OF FACT

1. The Commission finds that:
 1. The Part I map is not substantially accurate.
 2. The Part I map does not clearly identify graphically the territory proposed for annexation, nor does it contain identifiable roads or major geographic features.
 3. The Part I map dimensions are not consistent and cannot be identified with any legal description documents filed with the petition.

4. The Part I map incorrectly labels the limits for the City of Lapeer.
5. The Part III page is blank, and contains no reference to clearly identify the required legal description in any attachment or elsewhere.
6. A legal description dated April 2, 2004, submitted with the petition, incorrectly calls for the limits for the City of Lapeer.
7. Immediately following the page labeled "DESCRIPTION OF PROPERTY IN ELBA TOWNSHIP, LAPEER COUNTY, MICHIGAN PROPOSED TO BE ANNEXED TO THE CITY OF LAPEER" is a two page document entitled "ELBA TOWNSHIP ANNEXATION PROPERTY DESCRIPTIONS" which contains legal descriptions for Parcels A, B, C, D-W, D-E, E, and F:
 - i) the legal description for Parcel A in Section 2, T7N-R9E is indeterminate and can not be mapped;
 - ii) the legal description for Parcel C in Section 1, T7N-R9E will not mathematically close and is not consistent with the legal description for adjacent Parcel D-W.
 - iii) the legal description for Parcel D-W in Section 1, T7N-R9E is not consistent with the legal description for adjacent Parcel C.
 - iv) the legal description for Parcel E in Section 1, T7N-R9E is not substantially accurate and, as described, is located wholly within the City.
 - v) the legal description for Parcel F includes less land than described in the document entitled "DESCRIPTION OF PROPERTY IN ELBA TOWNSHIP, LAPEER COUNTY, MICHIGAN PROPOSED TO BE ANNEXED TO THE CITY OF LAPEER."
8. Part V does not contain a defined legal description; therefore, it cannot be determined if the area identified in Part V is greater than 75% of the area identified (exclusive of the road right of way) in another legal description included with the petition.
9. The Plat of Gibbons Acres is not included in legal description documents filed with the petition.
10. The petition contains two separate pages for Part II. One page identifies the petitioner as John A. Rapanos, the second page identifies the petitioner as Prodo Inc.
11. The petition contains two separate pages for Part IV. One page is signed by John A. Rapanos, and the second page is signed by John A. Rapanos as president of Prodo Inc. Also, these petition pages do not identify the acreage of the area proposed for annexation as required.
12. The petition contains two Part Va pages. One page is signed by John A. Rapanos as being the holder of record title to the land described in Part III and Part V of the petition. Another page is signed by John A. Rapanos, as president of Prodo Inc., as being the holder of record title to the land described in Part III and Part V of the petition. However, Parts III and V do not contain the required or accurate description of the territory proposed for annexation.

CONCLUSIONS OF LAW

1. The Boundary Commission **rejects** this petition on the ground that it fails to conform to the Boundary Commission Act and Administrative Rules.
2. Pursuant to Section 8 of Public Act 191 of 1968, as amended, the Commission shall transmit a copy of this Summary of Proceedings, Findings of Fact and Conclusions of Law to the petitioner, and to the clerks of the City of Lapeer, the Township of Elba, and the County of Lapeer.


Kenneth VerBurg, Chairman

March 17, 2005